

May 15, 2019

Mr. Henry Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21257

Re: 1213 Rayville Road
Forest Buffer Variance
Tracking #03-19-2994

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by the Department of Environmental Protection and Sustainability (EPS) on April 30, 2019. The applicant is seeking to construct a new single-family dwelling on the previously unimproved property. If granted, the variance would allow the Forest Buffer Easement (FBE) associated with a stream, pond, and wetland complex located at the southern end of the property to be reduced by 16,070 square feet (sf). This reduction would allow space for the 10,000-sf septic reserve area required for the proposed dwelling.

The property is approximately 4.2 acres with an unnamed tributary to Owl Branch (Use III-p), an in-stream pond, and associated wetlands located in its southern portion. The full FBE required by the Forest Buffer Law encompasses the majority of the property. Additionally, the required RC-4 building setback combined with the pie shape of the northern portion of the site further constrains the amount of space available to build the proposed single family dwelling.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Section 33-3-111 as described above. Furthermore, impacts to water quality can be adequately minimized, given that no direct impacts to streams, wetlands, or the pond are proposed, and the FBE area to be eliminated is currently unforested. Additionally, the applicant proposes to provide mitigation for the forest buffer impact through the planting of a living fence along the FBE boundary, totaling 21 native, deciduous trees. Finally, the FBE will be protected by an orange safety fence during construction and clearly marked with protective signage that will remain after construction.

Therefore, we will grant this request in accordance with Section 33-3-106 (a)(1) of the Baltimore County Code, with the following conditions:

1. Surveyed limits of the FBE shall be clearly marked onsite at 75-foot intervals and at any turn in the FBE boundary with permanent "Forest Buffer-Do Not Disturb" signs to

Mr. Henry Leskinen
1213 Rayville Road
Forest Buffer Variance
May 15, 2019
Page 2

facilitate identification of these limits by all involved parties. These signs, which are available from private sign contractors, shall be installed prior to building permit approval. Information regarding sign suppliers and installation specifications is enclosed.

2. Mitigation for reducing the forest buffer area shall also include the planting of a living fence along the FBE boundary. A final Forest Buffer Protection Plan (FBPP) detailing the mitigation and including a cost estimate for its implementation shall be submitted to EPS staff and approved prior to issuance of any permit.
3. A FBPP security equal to 110% of the EPS-approved cost estimate shall be posted with EPS via an Environmental Agreement prior to approval of any permit.
4. The FBE and its Declaration of Protective Covenants shall be recorded in Baltimore County Land Records via the Exhibit A process prior to any permit approval.
5. The following note shall appear on all subsequent plans and the Exhibit A submitted for this project:

“A variance was granted on May 15, 2019 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains. The Forest Buffer Easement and its setback shown hereon reflect the fact that this variance was granted. Conditions were placed on this variance to reduce impacts to water quality including the planting of a living fence along the Forest Buffer Easement and installation of protective signage.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/lbe

Mr. Henry Leskinen
1213 Rayville Road
Forest Buffer Variance
May 15, 2019
Page 3

Enclosure

c. Mr. Craig Rodgers, Craig Consulting Inc.
Blue Water Properties Inc., Owner

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner's Signature

Date

Printed Name